

09-05-06

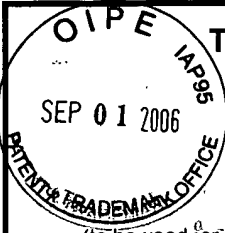
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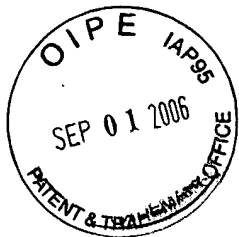
PTO/SB/21 (09-04)

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 <b>TRANSMITTAL FORM</b> (to be used for all correspondence after initial filing)		Application Number		10/581,374
		Filing Date		December 23, 2003
		First Named Inventor		Joseph C. Rongione et al.
		Art Unit		
		Examiner Name		
		Attorney Docket Number		15344US02
Total Number of Pages in This Submission				
<b>ENCLOSURES (check all that apply)</b>				
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53		<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD		<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Return-Receipt Postcard <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
		Remarks	Copies of Non-Patent Literature Documents	
<b>SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT</b>				
Firm or Individual Name	McAndrews Held & Malloy, Ltd.			
Name (Print/type)	James H. Williams	Registration No. (Attorney/Agent)	56,883	
Signature	<i>James H. Williams</i>		Date: September 1, 2006	
<b>EXPRESS MAIL DEPOSIT</b>				
"Express Mail" mailing label number : EV 133762039 US				
Date of Deposit September 1, 2006.				



UNITED STATES PATENT AND TRADEMARK OFFICE  
(Attorney Docket No. 15344US02)

In the Application of:

Joseph C. Rongione et al.

Serial No. 10/581,374

Filed: December 23, 2003

For: **PRODUCTION AND  
PURIFICATION OF ESTERS  
OF CONJUGATED  
LINOLEIC ACIDS**

Examiner:

Group Art Unit:

EXPRESS MAIL:

EV 133762039 US

Date:

September 1, 2006

INFORMATION DISCLOSURE STATEMENT

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sirs:

Pursuant to 37 C.F.R. § 1.97-1.98 and in compliance with the duty of disclosure set forth in 37 C.F.R. § 1.56, it is respectfully requested that the following references be considered in the examination of the above-identified patent application:

<u>U.S. Patent No.</u>	<u>Date</u>	<u>Name</u>
3,162,658	12/22/1964	Baltes et al.
3,984,444	10/05/1976	Ritz et al.
5,428,072	06/27/1995	Cook et al.
5,554,646	09/10/1996	Cook et al.
6,015,833	01/18/2000	Saebo et al.

<u>U.S. Patent No.</u>	<u>Date</u>	<u>Name</u>
6,019,990	02/01/1990	J. Remmereit
6,034,132	03/07/2000	J. Remmereit
6,042,869	03/28/2000	J. Remmereit
6,160,140	12/12/2000	Bhaggan et al.
6,203,843	03/20/2001	J. Remmereit
6,225,486	05/01/2001	Saebo et al.
6,242,621	06/05/2001	Jerome et al.
6,333,353	12/25/2001	Saebo et al.
6,420,577	01/16/2002	Reaney et al.

#### FOREIGN PATENTS:

<u>Patent No.</u>	<u>Date</u>	<u>Name</u>
WO 02/022768	12/23/2003	Cognis Deutschland GmbH & Co.

#### NON-PATENT LITERATURE DOCUMENTS

1. Trans Fatty Acids: Are the Effects Only Marginal?, Walter C. Willett, MD, DrPH, and Albert Ascherio, MD, DrPH, American Journal of Public Health, May 1994, Vol. 84, No. 5, pp. 722-724
2. Conjugated Linoleic Acid Contents of Indian Curds and Ghee, R.P. Aneja and T.N. Murthi, Indian J. Dairy Sci., 43, 2, 1990, pp. 231-238
3. Inhibition of Benzo(a)pyrene-induced Mouse Forestomach Neoplasia by Conjugated Dienoic Derivatives of Linoleic Acid, Yeong L. Ha, Jayne Storkson and Michael W. Pariza, Cancer Research 50, pp. 1097-1101, February 15, 1990
4. Dietary Energy and Fat Effects on Tumor Promotion, Diane F. Birt et al., Cancer Research (Suppl.) 52, pp. 2035s – 2039s, April 1, 1992
5. Unusual isomeric polyunsaturated fatty acids in liver phospholipids of rats fed hydrogenated oil, Ralph T. Holman et al., *Proc. Natl. Acad. Sci USA*, Vol. 88, pp. 4830-4834, June 1991 Biochemistry

6. Review of the effects of *trans* fatty acids, oleic acid, n-3 polyunsaturated fatty acids, and conjugated linoleic acid on mammary carcinogenesis in animals, Clement Ip, Am. J. Clin. Nutr. 1997; 66 (suppl.); pp. 1523S-9S, American Society for Clinical Nutrition
7. Isomerization and Trans-Esterification, J.C. Cowan, The Journal of the American Oil Chemists' Society, November, 1950, Vol. 72, pp. 492-499
8. The Effect of Conjugated linoleic Acid Isomers on Fatty Acid Profiles of Liver and Adipose Tissues and Their Conversion to Isomers of 16:2 and 18:3 Conjugated Fatty Acids in Rats, J.-L. Sébédio et al., Lipids, Vol. 36, no. 6 (2001), pp. 575-582

The above-identified reference(s) are listed on the attached Form PTO/SB/08a and copies are also enclosed herewith. This submission is in no way intended as an admission that the above-cited references constitute prior art. Applicant expressly retains the right to take any actions necessary to remove the above-cited references from the available prior art. Consideration of the above-identified references in the examination of the present patent application is respectfully requested.

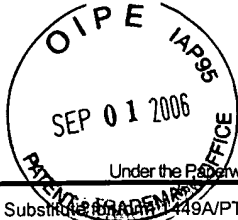
The Commissioner is hereby authorized to charge any additional fees which may be required or credit any overpayment to Account No. 13-0017.

Respectfully submitted,

September 1, 2006  
Date

James H. Williams  
James H. Williams  
Registration No. 56,883

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## INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Sheet 1 of 2

### Complete if Known

Application Number	10/581,374
Filing Date	December 23, 2003
First Named Inventor	J. Rongione et al.
Art Unit	
Examiner Name	
Attorney Docket Number	15344US02

### U.S. PATENT DOCUMENTS

Examiner Initials *	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document Sebedio et al., Inform Vol. 10, No. 51	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number - Kind Code <sup>2</sup> (if known)			
	A-1	US- 3,162,658	12/22/1964	Baltes et al.	
	A-2	US- 3,984,444	10/05/1976	Ritz et al.	
	A-3	US- 5,428,072	06/27/1995	Cook et al.	
	A-4	US- 5,554,646	09/10/1996	Cook et al.	
	A-5	US- 6,015,833	01/18/2000	Saebo et al.	
	A-6	US- 6,019,990	02/01/1990	J. Remmereit	
	A-7	US- 6,034,132	03/07/2000	J. Remmereit	
	A-8	US- 6,042,869	03/28/2000	J. Remmereit	
	A-9	US- 6,160,140	12/12/2000	Bhaggan et al.	
	A-10	US- 6,203,843	03/20/2001	J. Remmereit	
	A-11	US- 6,225,486	05/01/2001	Saebo et al.	
	A-12	US- 6,242,621	06/05/2001	Jerome et al.	
	A-13	US- 6,333,353	12/25/2001	Saebo et al.	
	A-14	US- 6,420,577	01/16/2002	Reaney et al.	
		US-			
		US-			
		US-			
		US-			

### FOREIGN PATENT DOCUMENTS

Examiner Initials *	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup> - Number <sup>4</sup> - Kind Code <sup>5</sup> (if known)				
	B-1	WO-02/022768	12/23/2003	Cognis Deutschland GmbH & Co.		

Examiner  
Signature

Date  
Considered

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Substitute for form 1449B/PTO  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (Use as many sheets as necessary)			<b>Complete if Known</b>		
			Application Number	10/581,374	
			Filing Date	December 23, 2003	
			First Named Inventor	J. Rongione et al.	
			Art Unit		
			Examiner Name		
Sheet	2	of	2	Attorney Docket Number	15344US02

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials *	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
	C-1	<u>Trans Fatty Acids: Are the Effects Only Marginal?</u> , Walter C. Willett, MD, DrPH, and Albert Ascherio, MD, DrPH, American Journal of Public Health, May 1994, Vol. 84, No. 5, pp. 722-724	
	C-2	<u>Conjugated Linoleic Acid Contents of Indian Curds and Ghee</u> , R.P. Aneja and T.N. Murthi, Indian J. Dairy Sci., 43, 2, 1990, pp. 231-238	
	C-3	<u>Inhibition of Benzo(a)pyrene-induced Mouse Forestomach Neoplasia by Conjugated Dienoic Derivatives of Linoleic Acid</u> , Yeong L. Ha, Jayne Storkson and Michael W. Pariza, Cancer Research 50, pp. 1097-1101, February 15, 1990	
	C-4	<u>Dietary Energy and Fat Effects on Tumor Promotion</u> , Diane F. Birt et al., Cancer Research (Suppl.) 52, pp. 2035s – 2039s, April 1, 1992	
	C-5	<u>Unusual isomeric polyunsaturated fatty acids in liver phospholipids of rats fed hydrogenated oil</u> , Ralph T. Holman et al., <i>Proc. Natl. Acad. Sci USA</i> , Vol. 88, pp. 4830-4834, June 1991 Biochemistry	
	C-6	<u>Review of the effects of trans fatty acids, oleic acid, n-3 polyunsaturated fatty acids, and conjugated linoleic acid on mammary carcinogenesis in animals</u> , Clement Ip, Am. J. Clin. Nutr. 1997; 66 (suppl.); pp. 1523S-9S, American Society for Clinical Nutrition	
	C-7	<u>Isomerization and Trans-Esterification</u> , J.C. Cowan, The Journal of the American Oil Chemists' Society, November, 1950, Vol. 72, pp. 492-499	
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Examiner Signature		Date Considered	
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup>Applicant's unique citation designation number (optional). <sup>2</sup>Applicant is to place a check mark here if English language Translation is attached.

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